

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

FRANK MCALEESE

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CRIMINAL NO. 12-239

ORDER

AND NOW, this day of , 2012, upon consideration of the Defendant's Unopposed Motion for Sixty (60) Day Continuance of Trial and it appearing that the interests of justice served by granting the continuance outweigh the best interests of the defendant and the public in a speedy trial, 18 U.S.C. § 3161, and that failure to grant the continuance would unreasonably deny counsel for the defendant adequate time necessary for effective preparation for trial, 18 U.S.C. § 3161, it is hereby **ORDERED** that the Motion is **GRANTED**. Trial in this matter will be continued until a date to be set upon consultation with the parties.

SO ORDERED:

THE HONORABLE MITCHELL S. GOLDBERG
United States District Court Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | CRIMINAL NO. 12-239 |
| | : | |
| FRANK MCALEESE | : | |

**DEFENDANT'S UNOPPOSED MOTION FOR SIXTY (60) DAY
CONTINUANCE OF TRIAL**

Frank McAleese, by his attorney, James J. McHugh, Jr., Assistant Federal Defender, moves for the continuance of the trial in this matter from the currently scheduled date of August 14, 2012, and in support of this Motion it is averred that:

1. The Indictment in this matter was filed on May 15, 2012 charging Mr. McAleese with three counts of providing false information to a federal firearms licensee in violation of 18 U.S.C. §922(a)(6), three counts of making a false statement to a federal firearms licensee in violation of §924 (a)(1)(A) and four counts of convicted felon in possession of a firearm in violation of §922(g)(1).

2. Mr. McAleese made his initial appearance on June 22, 2012. On June 28, 2012 Mr. McAleese was formally arraigned and entered a plea of not guilty. Mr. McAleese was also ordered detained pending trial

3. This is the defendant's first request for a continuance of the trial date.

4. Discovery in this matter was received on July 25, 2012. The defense requires additional time in which to effectively and adequately prepare for trial. Counsel needs additional time to conduct investigation and to complete legal research.

5. The interests of justice served by granting the requested continuance outweigh the

best interests of the defendant and the public in a speedy trial. 18 U.S.C. § 3161. The failure to grant this continuance would unreasonably deny counsel for the defendant adequate time in which to effectively prepare for trial, even taking into account the exercise of due diligence. 18 U.S.C. § 3161.

6. Furthermore, failure to grant the requested continuance would unreasonably deny counsel for the defendant and counsel for the government adequate time to attempt to reach a non-trial resolution.

7. Undersigned counsel has contacted the assigned prosecutor, Assistant United States Attorney Eric B. Henson and he has no objection to this motion.

8. Undersigned counsel has also spoken with Mr. McAleese and he agreed with this request for more time to prepare for trial. See Attached waiver of Speedy Trial Act.

WHEREFORE, the defendant respectfully requests that the Court continue trial in this matter until a date to be set upon consultation with the parties.

Respectfully submitted,

/s/ James J. McHugh, Jr.
JAMES J. MCHUGH, JR.
Assistant Federal Defender

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CRIMINAL NO. 12-239

CONSENT

I, FRANK McALEESE ("Defendant"), have consulted with my counsel concerning my right under the Speedy Trial Act and my right to a speedy trial under the sixth Amendment to the U.S. Constitution. I do not oppose a continuance of my trial, now scheduled for August 14, 2012, and agree that the ends of justice served by a continuance outweighs the best interest of the public and myself in a speedy trial. I understand that the time, between the filing of a Motion to Continue and the new trial date to be set by the Court, will be excluded for purposes of computing the time within which my trial must commence under the Speedy Trial Act, and I also agree that this delay will not deprive me of my speedy trial rights under the Sixth Amendment. I understand that if I do not wish to sign this document, the Court will hold a hearing at which I will be present.

Tim L. McLeese, Jr.
Witness Signature

Frank H. McAleese
Defendant

7/25/12
Date

CERTIFICATE OF SERVICE

I, James McHugh, Jr., Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have served a copy of Defendant's Motion for Sixty (60) Day Continuance of Trial, by electronic notification and hand delivery, upon Eric B. Henson, Assistant United States Attorney, by hand delivering a copy to his office at Suite 1250, 615 Chestnut Street, Philadelphia, Pennsylvania 19106.

/s/ James J. McHugh, Jr.

JAMES J. McHUGH, JR.
Assistant Federal Defender

DATE: August 6, 2012